

## Indiana Code of Judicial Conduct

### Correlation Table

#### 1993 Indiana Code Provisions to Proposed 2009 Indiana Code Provisions (Ethics Committee Draft)

<b>1993 INDIANA CODE OF JUDICIAL CONDUCT</b>	<b>PROPOSED 2009 INDIANA CODE OF JUDICIAL CONDUCT (ETHICS COMMITTEE)</b>
Preamble	Preamble Scope
Terminology	Terminology
<p style="text-align: center;"><b>Canon 1</b></p> <p><b>A Judge Shall Uphold the Integrity and Independence of the Judiciary</b></p> <p style="text-align: center;"><b>Canon 2</b></p> <p><b>A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All the Judge's Activities</b></p>	<p style="text-align: center;"><b>Canon 1</b></p> <p><b>A Judge Shall Uphold and Promote the Independence, Integrity, and Impartiality of the Judiciary, and Shall Avoid Impropriety and the Appearance of Impropriety.</b></p>
Canon 1A (integrity and independence; maintaining high standards of conduct)	Preamble Rule 1.2: <i>Promoting Confidence in the Judiciary</i>
Canon 2A (respecting the law; promoting public confidence)	Rule 1.1: <i>Compliance with the Law</i> Rule 1.2: <i>Promoting Confidence in the Judiciary</i>
Canon 2B (lending prestige of office; testifying as a character witness)	Rule 1.3: <i>Avoiding Abuse of the Prestige of Judicial Office</i>  Rule 2.4: <i>External Influences on Judicial Conduct</i> Rule 2.4(B) (family, social, political, financial influences) Rule 2.4(C) (conveying impression of judicial influence)  Rule 3.3: <i>Acting as a Character Witness</i>
Canon 2C (membership in discriminatory organizations)	Rule 3.6: <i>Affiliation with Discriminatory Organizations</i>
Canon 2D (lending prestige to advance public interest in administration of justice)	Rule 1.2, Comment [6] Rule 2.1, Comment [2]
<p style="text-align: center;"><b>Canon 3</b></p> <p><b>A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently</b></p>	<p style="text-align: center;"><b>Canon 2</b></p> <p><b>A Judge Shall Perform the Duties of Judicial Office Impartially, Competently, and Diligently.</b></p>
Canon 3A – Judicial Duties in General (precedence of judicial duties)	Rule 2.1: <i>Giving Precedence to the Duties of Judicial Office</i>

Canon 3B – Adjudicative Responsibilities	
Canon 3B(1) (hear and decide all matters assigned)	Rule 2.7: <i>Responsibility to Decide</i>
Canon 3B(2) (fidelity to law; maintaining competence; remaining unswayed by partisan interests)	Rule 1.1: <i>Compliance with the Law</i> Rule 2.2: <i>Impartiality and Fairness</i> Rule 2.4(A) (shall not be swayed by public clamor or fear of criticism)
Canon 3B(3) (requiring order and decorum)	Rule 2.8: <i>Decorum, Demeanor, and Communication with Jurors</i> Rule 2.8(A) (order and decorum)
Canon 3B(4) (patience, dignity, and courtesy; requiring same of others)	Rule 2.8(B) (patience, dignity, and courtesy; requiring same of others)
Canon 3B(5) (performing duties without bias or prejudice; requiring same of others)	Rule 2.3: <i>Bias, Prejudice, and Harassment</i> Rule 2.3(A) (judicial and administrative duties without bias or prejudice) Rule 2.3(B) (may not manifest bias or prejudice or engage in harassment; requiring same of staff and court officials) Rule 2.3(C) (requiring lawyers to refrain from bias or prejudice)
Canon 3B(6) (refraining from conduct perceived as sexual harassment; requiring same of others)	Rule 2.3(C) (prohibiting lawyers from manifesting bias or prejudice or engaging in harassment)
Canon 3B(7) (prohibiting lawyers from manifesting bias or prejudice except in legitimate advocacy)	Rule 2.3(C) (prohibiting lawyers from manifesting bias or prejudice or engaging in harassment) Rule 2.3(D) (legitimate advocacy)
Canon 3B(8) (ex parte communications)	Rule 2.9: <i>Ex Parte Communications</i>
Canon 3B(9) (disposing of cases fairly, promptly, and efficiently)	Rule 2.2: <i>Impartiality and Fairness</i> Rule 2.5: <i>Competence, Diligence, and Cooperation</i> Rule 2.5(A) (competence, diligence, and promptness)
Canon 3B(10) (comments on pending or impending proceedings)	Rule 2.10: <i>Judicial Statements on Pending and Impending Cases</i>
Canon 3B(11) (commending or criticizing jurors)	Rule 2.8(C) (commending or criticizing jurors)

Canon 3B(12) (disclosure of nonpublic information)	Rule 3.5: <i>Use of Nonpublic Information</i>
Canon 3B(13) (prohibiting broadcasting of proceedings)	Rule 2.17: <i>Prohibiting Broadcasting of Proceedings</i>
Canon 3C – Administrative Responsibilities	Rule 2.5(A) (all duties competently, diligently, and promptly)
Canon 3C(1) (administrative duties without bias or prejudice; cooperation with judges and officials in administration)	Rule 2.3(A) (all duties without bias or prejudice) Rule 2.5(B) (cooperation in administration)
Canon 3C(2) (requiring personnel under judge’s direction and control to observe same standards of diligence and to refrain from bias and prejudice in official duties)	Rule 2.12: <i>Supervisory Duties</i> Rule 2.12(A) (requiring personnel under direction and control to act in a manner consistent with judge’s obligations)
Canon 3C(3) (supervising other judges; assuring prompt disposition and proper performance of duties)	Rule 2.12(B) (requiring other judges under supervision to properly perform duties and promptly dispose of cases)
Canon 3C(4) (prohibiting unnecessary appointments; avoiding nepotism and favoritism; fair compensation of appointees)	Rule 2.13: <i>Hiring and Administrative Appointments</i> (prohibiting nepotism and favoritism)
Canon 3D Disciplinary Responsibilities	Rule 2.15: <i>Responding to Judicial and Lawyer Misconduct</i>
Canon 3D(1) (judge or judicial candidate misconduct– appropriate action or inform authorities)	Rule 2.15(A) (judicial misconduct - inform authorities) Rule 2.15(C) (take appropriate action)
Canon 3D(2) (lawyer misconduct – appropriate action or inform authorities)	Rule 2.15(B) (attorney misconduct - inform authorities) Rule 2.15(D) (take appropriate action)
Canon 3D(3) (privilege)	No corresponding rule
Canon 3E Disqualification	Rule 2.11: <i>Disqualification</i>
Canon 3E(1) (impartiality reasonable questioned)	Rule 2.11(A) (impartiality reasonable questioned)
Canon 3E(1)(a) (personal bias or prejudice; knowledge of disputed facts)	Rule 2.11(A)(1) (personal bias or prejudice; knowledge of disputed facts)

Canon 3E(1)(b) (judge served as lawyer or was associated with lawyer; judge was material witness)	Rule 2.11(A)(5)(a) (judge served as lawyer or was associated with lawyer) Rule 2.11 (A)(5)(c) (judge was material witness) Rule 2.11 (A)(5)(d) (judge presided over case in another court)
Canon 3E(1)(c) (judge or family member has economic interest)	Rule 2.11(A)(3) (judge or family member has economic interest)
Canon 3E(1)(d) (judge or family member is a party to proceeding)	Rule 2.11(A)(2)(a) (judge or family member is a party to proceeding)
Canon 3E(1)(d)(ii) (judge or family member is lawyer in proceeding)	Rule 2.11(A)(2)(b) (judge or family member is lawyer in proceeding)
Canon 3E(1)(d)(iii) (judge or family member has interest in proceeding)	Rule 2.11(A)(2)(c) (judge or family member has interest in proceeding)
Canon 3E(1)(d)(iv) (judge or family member is likely to be witness)	Rule 2.11(A)(2)(d) (judge or family member is likely to be witness)
Canon 3E(2) (judge to stay informed about personal and fiduciary interests)	Rule 2.11(B) (judge to stay informed about personal and fiduciary interests)
<b>Canon 4</b> <b>A Judge Shall so Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of Conflict With Judicial Obligations</b>	<b>Canon 3</b> <b>A Judge Shall Conduct the Judge's Personal and Extrajudicial Activities to Minimize the Risk of Conflict with the Obligations of Judicial Office.</b>
Canon 4A Extra-judicial Activities in General May not:  Canon 4A(1) (affect impartiality)  Canon 4A(2) (demean the office)  Canon 4A(3) (interfere with duties)	Rule 3.1: <i>Extrajudicial Activities in General</i> May not:  Rule 3.1(C) (undermine independence, integrity, impartiality)  Rule 3.1(A) (interfere with duties) Rule 3.1(B) (lead to frequent disqualifications)
Canon 4B (teaching, writing, lecturing)	No corresponding rule See Rule 3.1, Comment [1]
Canon 4C(1) (consulting with legislative or executive branches on law or personal interests)	Rule 3.2(A) (consulting about the law) Rule 3.2(B) (consulting about areas within judicial expertise) Rule 3.2(C) (consulting <i>pro se</i> about legal or economic interests)

Canon 4C(2) (appointments to governmental commissions unrelated to the law)	Rule 3.4: <i>Appointments to Governmental Positions</i>
Canon 4C(3) (service for not-for-profits)	Rule 3.7: <i>Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities</i>
Canon 4C(3)(a)(i), (ii) (service for not-for-profit prohibited if organization is engaged in proceedings ordinarily heard by judge or will be in adversarial proceedings before judge's court)	Rule 3.7A(6) (service for not-for-profit prohibited if organization is engaged in proceedings ordinarily heard by judge or will be in adversarial proceedings before judge's court)
Canon 4D Financial Activities	Rule 3.11: <i>Financial, Business, or Remunerative Activities</i>
May not: Canon 4D(1)(a) (exploit judicial position)	May not: Rule 3.11(A)(4) (result in violations of the Code)
Canon 4D(1)(b) (involve judge in frequent transactions with lawyers/others likely to come before the court)	Rule 3.11(A)(2) (lead to frequent disqualification) Rule 3.11 (A)(3) (involve judge in transactions with lawyer and others)
Canon 4D(1)(c) (reflect adversely on impartiality or interfere with judicial duties)	Rule 3.11(A)(1) (interfere with proper performance of duties)
Canon 4D(2) (judge may manage investments and real estate; may engage in remunerative activities, including operating a business)	Rule 3.11(B) (judge may manage investments and real estate; may engage in remunerative activities, including operating a business)
Canon 4D(3) (must manage financial interests or divest to minimize disqualification)	No corresponding rule See Rule 3.11, Comment [2]
Canon 4D(4) (may not accept gifts, loans, etc., except:)	Rule 3.13: <i>Acceptance and Reporting of Gifts, Loans, Bequests, Benefits, or Other Things of Value</i>
	Rule 3.13(A) (may accept no gifts, loans, etc. undermining independence, integrity, or impartiality)
	Rule 3.13(B) May accept without reporting:
Canon 4D(4)(a) (gifts incident to public testimonials; books, tapes, etc. for official use; invitations to law-related activities)	Rule 3.13(B)(1) (plaques, certificates, greeting cards) Rule 3.13(B)(9) (gifts incident to public testimonials)
Canon 4D(4)(b) (gifts incident to business or professional activities if not intended to influence)	Rule 3.13(B)(10) (invitations to law-related and charitable and civic functions)

Canon 4D(4)(c) (ordinary social hospitality) Canon 4D(4)(d) (gifts from relatives or friends commensurate with occasion and relationship)	Rule 3.13(B)(7) (books and other resource materials for official use)  Rule 3.13(B)(3) (ordinary social hospitality)
Canon 4D(4)(e) (gifts from relative or friend from whose case judge must disqualify)	Rule 3.13(B)(2) (gifts and loans from those whose appearance would require disqualification)
Canon 4D(4)(f) (loans in regular course of business and on terms available to others)	Rule 3.13(B)(4) (loans, special pricing, discounts in regular course of business on terms available to others) Rule 3.13(B)(5) (prizes in random drawings)
Canon 4D(4)(g) (scholarships on terms available to others)	Rule 3.13(B)(6) (scholarships and fellowships on terms available to others)
Canon 4D(4)(h) (any other gift or loan if donor has not and is not likely to come before judge; must report if value of \$150.00)	Rule 3.13(C) (may accept but must report under Rule 3.15: any other gift or loan unless prohibited by Rule 3.13(A))
No corresponding rule	Rule 3.14: <i>Reimbursement of Expenses and Waivers of Fees or Charges</i>
Canon 4E Fiduciary Activities	Rule 3.8: <i>Appointments to Fiduciary Positions</i>
Canon 4F Service as Mediator or Arbitrator	Rule 3.9: <i>Service as Mediator or Arbitrator</i>
Canon 4G Practice of Law	Rule 3.10: <i>Practice of Law</i>
Canon 4H Compensation, Reimbursement, and Reporting	Rule 3.12: <i>Compensation for Extrajudicial Activities</i> Rule 3.15: <i>Financial Reporting Requirements</i>
Canon 4I (extent of financial disclosure limited to requirements of Code and other law)	No corresponding rule
<b>Canon 5</b> <b>A Judge or Judicial Candidate Shall Refrain From Inappropriate Political Activity</b>	<b>Canon 4</b> <b>A Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary.</b>
Canon 5A(1)(a) through (f) (general prohibitions – all judges and candidates)	Rule 4.1: <i>Political and Campaign Activities of Judges and Judicial Candidates in General</i> Rule 4.1(A) (general prohibitions)
Canon 5A(1)(f) (court employees' political activities)	Rule 4.6: <i>Political Activities of Nonjudicial Court Employees</i>
Canon 5A(2) (resign-to-run rule)	Rule 4.5: <i>Activities of Judges Who Become</i>

	<i>Candidates for Nonjudicial Office</i>
<p>Canon 5A(3)(a) (judges and candidates shall maintain dignity of office; act consistently with integrity and independence; encourage family to apply same standards in support of the candidate)</p> <p>Canon 5A(3)(b) (shall prohibit employees and officials subject to judge's control from doing on judge's behalf what judge is prohibited from doing)</p> <p>Canon 5A(3)(c) (shall not permit anyone to do what the judge may not do other than as committee member)</p>	<p>Preamble (maintain dignity of office at all times)</p> <p>Canon 4 (all political activities must be consistent with independence, integrity, and impartiality of office)</p> <p>Rule 4.1(A)(14) (shall not permit others to engage in activities on behalf of judge which are impermissible for judge under Rule 4.1(A))</p>
<p>Canon 5A(3)(d)(i) (may not make pledges or promises other than impartial performance of duties)</p> <p>Canon 5A(3)(d)(ii) (may not commit or appear to commit with respect to cases likely to come before the court)</p>	<p>Rule 4.1(A)(13) (in connection with cases likely to come before the court, may not make pledges, promises, or commitments inconsistent with impartiality)</p>
<p>Canon 5A(3)(d)(iii) (may not knowingly misrepresent the identity, qualifications, or other facts)</p>	<p>Rule 4.1(A)(11) (may not knowingly or with reckless disregard make a false or misleading statement)</p>
<p>Canon 5A(3)(e) (may respond to personal attacks)</p>	<p>No corresponding rule</p>
<p>Canon 5A(4) (must notify Q/C within week of becoming candidate)</p>	<p>Rule 4.2(A)(5) (must notify Q/C within one week after becoming candidate)</p>
<p>Canon 5B Candidates Seeking Appointment to Judicial or Other Governmental Office</p>	<p>Rule 4.3: <i>Activities of Candidates for Appointment to Judicial Office</i></p>
<p>Canon 5C(1) Judges and Candidates Subject to Public Election (partisan and nonpartisan judges – campaigning generally; may at any time attend political gatherings, identify as members of parties, contribute to parties; may endorse other candidates running in same cycle)</p>	<p>Rule 4.1(B) (nonpartisan judges and their judicial officers – may at any time attend party functions on nonpartisan basis)</p> <p>Rule 4.1(C) (partisan elected judges and their judicial officers – may at any time identify selves as party members, contribute to party, attend party functions)</p> <p>Rule 4.2(C) (nonpartisan candidates may form committees, campaign, endorse other candidates for same judicial office; seek endorsements except from political organizations)</p> <p>Rule 4.2(D) (partisan candidates may form committees, campaign, endorse other candidates running in same cycle; seek endorsements)</p>

	(See Rule 4.2(A) – retention candidates)
Canon 5C(2) (candidate may not personally solicit contributions or publicly-stated support; committees may accept reasonable contributions one year before and 90 days after an election)	<p>Rule 4.4: <i>Campaign Committees</i></p> <p>Rule 4.4(A) Retention, nonpartisan, and partisan judicial candidates may form committees; committees may accept reasonable campaign contributions one year before and 90 days after an election; must comply with statutorily-required reporting requirements.</p> <p>Rule 4.1(A)(8) (a candidate may not personally solicit campaign contributions)</p>
Canon 5C(3) (a candidate may permit name to be listed on materials with other candidates for public office and to appear in promotion of a ticket)	<p>No corresponding rule</p> <p>See:</p> <p>Rule 4.2(B)(3) (when running, a retention candidate may endorse other candidates for same judicial office)</p> <p>Rule 4.2C(3) (when running, a nonpartisan candidate may endorse other candidates for same judicial office)</p> <p>Rule 4.2D(3) (when running, a partisan candidate may endorse other candidates for public election)</p>
Canon 5D (a retention candidate with active opposition may campaign and raise funds; a retention judge otherwise is bound by restrictions in Canon 5A; a retention judge must require employees to conform to same restrictions on political activities)	<p>Rule 4.1(A) (general prohibitions)</p> <p>Rule 4.2(B) (retention candidates may form a committee one year before election; may campaign; may endorse other candidates for same judicial office; may seek endorsements except from political organizations)</p> <p>Rule 4.6(A) (a retention judge must require nonjudicial employees to abide by same standards of conduct)</p>
Canon 5E (judges may engage in no other political activities other than on behalf of improvement of the law)	<p>No corresponding rule</p> <p>See Rule 4.1, Comment [1]</p>
Canon 5F Applicability (Canon 5 applies to all judges and candidates; candidates subject to discipline, including lawyer discipline; lawyers bound by Rules of Professional Conduct)	I. Applicability of This Code (general applicability; Canon 4 applies to all candidates)
Application of the Code of Judicial Conduct	Application
Application A (Code applies to all officers of judicial system performing judicial functions; Commentary: full-time judicial officers serving for elected judges are treated as elected judges; full-	I. Application of This Code (applies to anyone authorized to perform judicial functions within Indiana judiciary; applies to full-time and part-time judicial officers; Canon 4 applies to all candidates)



time officers serving for retention judges are treated as retention judges)	
Application B (a senior judge is a periodic part-time judge)	Application III. (periodic part-time judges)
Application C(1) (continuing part-time judge - rule exemptions)	Application II.(A) (continuing part-time judge – rule exemptions)
Application C(2) (continuing part-time judge shall not practice in court on which judge serves; shall not subsequently act as lawyer)	Application II.(B) (continuing part-time judge shall not practice in court on which judge serves; shall not subsequently act as lawyer unless permitted by RPC)
Application D(1) (periodic part-time judge – rule exemptions)	Application III.(A) (periodic part-time judge – rule exemptions)
Application D(2) (periodic part-time judge shall not practice in court on which judge serves; shall not subsequently act as lawyer)	Application III.(B) (periodic part-time judge shall not practice in court on which judge serves; shall not subsequently act as lawyer unless permitted by RPC)
Application E(1) (pro tempore part-time judge – rule exemptions)	Application IV.(A),(B) (pro tempore part-time judge – rule exemptions)
Application E(2) (pro tempore part-time judge shall not subsequently act a lawyer unless permitted by RPC)	Application IV.(C) (pro tempore part-time judge shall not subsequently act a lawyer unless permitted by RPC)
Application F (time for compliance; exceptions for business interests and fiduciary roles)	Application V. Time for Compliance